

Amendment No. 1 to HB1879

Forgety
Signature of Sponsor

AMEND Senate Bill No. 2497

House Bill No. 1879*

by deleting all language after the enacting clause and substituting instead:

SECTION 1. Tennessee Code Annotated, Title 49, is amended by adding SECTIONS 2 through 12 as a new chapter.

SECTION 2. This chapter shall be known and may be cited as the "Course Access Program Act."

SECTION 3. As used in this chapter:

(1) "Course access catalog" means a listing of approved and available courses published by the department that have been authorized by LEAs and details information about the courses to inform student enrollment decisions;

(2) "Course access program" means the program created by this chapter;

(3) "Course provider" means a nonprofit entity authorized by an LEA to offer individual courses in person or online;

(4) "Department" means the department of education;

(5) "Eligible funded student" means any eligible participating student who is currently enrolled in a public school, including a public charter school;

(6) "Eligible participating student" means any kindergarten through grade twelve (K-12) student who resides in this state; and

(7) "State board" means the state board of education.

SECTION 4.

(a) Beginning in the 2017-2018 school year, an eligible participating student may enroll in course access program courses, as determined by the authorizing LEA.

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(b) An eligible funded student may enroll in no more than two (2) state course access program courses that are made available by the program, unless the LEA where the student is enrolled individually approves a student enrolled in the LEA to take additional courses.

(c)

(1) The parents or legal guardians of eligible funded students and other eligible participating students may elect to enroll students in additional courses exceeding the two-course limitation in subsection (b).

(2) Students described in subdivision (c)(1) shall be responsible for paying the required tuition and fees for all courses exceeding the two-course limitation in subsection (b).

(d)

(1) LEAs with students enrolled in the course access program may review the courses in which the student seeks to enroll to ensure the courses are academically appropriate and logistically feasible, keep the student on track for graduation, and do not extend a student beyond a full-time course load.

(2) An LEA may reject a student's course enrollment request if the course enrollment for the student does not comply with subdivision (d)(1).

(e) LEAs shall inform students and their parents or legal guardians of their right to appeal, in writing, to the local board of education for all denials of course enrollment pursuant to subdivision (d)(2).

(f) Eligible participating students may enroll in courses provided through the course access program only if such courses are not offered by the LEA at the student's school or through other means as determined by the state board.

SECTION 5.

(a) LEAs may establish an authorization process for course providers that allow the course providers to submit courses that meet the criteria established under Section 6.

(b) The state board shall promulgate rules by which the LEA authorizes course providers pursuant to this section, including all deadlines and guidelines applicable to the submission and authorization process for providers. The state board shall include on its web site a link to the rules on the web site of the secretary of state.

SECTION 6. To be authorized as a course provider pursuant to this chapter, a provider shall:

(1) Be subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, national origin, religion, ancestry, or need for special education services;

(2) Comply with all applicable state and federal student data privacy provisions, including, but not limited to, title 49, chapter 1, part 7, and the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g);

(3) Provide an assurance that all online information and resources for online or blended courses are fully accessible for students of all abilities, except as provided in subdivision (3)(E), including that:

(A) All courses submitted for approval are reviewed to ensure the courses meet legal accessibility standards;

(B) The provider has created and promulgated an accessibility online learning policy;

(C) The provider has designated a 504 coordinator, a grievance policy, and annual notifications;

(D) The provider has policies and activities to ensure its organizational and course web sites meet accessibility requirements; and

(E) The provider has no exam or test where a specific score is required to participate in course access program courses beyond completion of prerequisite coursework or demonstrated mastery of prerequisite material;

(4) Demonstrate either:

(A) Prior evidence of delivering quality outcomes for students as demonstrated by completion rates or other quantifiable outcomes; or

(B) For a course provider applying to offer a subject or grade level for the first time, a detailed justification of how its organization's subject matter, instructional, or technical expertise leads to successful outcomes for students;

(5) Ensure instructional and curricular quality through a detailed curriculum and student performance accountability plan that aligns with, and measures student attainment of, relevant state academic standards; and

(6) Provide assurances that the course provider shall electronically provide, in a manner and format determined by the department, a detailed student record of enrollment, performance, completion, and grading information to the school systems where eligible participating students are enrolled full time.

SECTION 7.

(a) LEAs participating in the course access program shall establish a course review and approval process.

(b) In order to be approved and added to the course access catalog, a course shall:

- (1) Meet the instructional and academic rigor of a course that is provided in a traditional classroom setting;
- (2) Be aligned to the applicable state academic standards of the state board; and
- (3) Be designed and implemented consistently with criteria established by the state board.

SECTION 8.

(a) LEAs, in conjunction with approved providers, shall annually report to the department, in the manner directed by the department, the following information:

- (1) Student enrollment data;
- (2) Completion rates for each subject area and grade level; and
- (3) Additional information the department deems necessary.

(b) On an annual basis, the LEA shall review the academic performance of the students enrolled in courses offered by the course provider to ensure that students are receiving curriculum aligned with the state standards as determined by the state board and meeting the requirements for graduation.

(c) If a course provider fails to meet the performance standards set by the LEA, the LEA may revoke the course provider's status as an approved course provider. The LEA shall inform the department of the revocation.

(d) The LEA may exclude a course provided by an authorized provider at any time if the LEA determines that:

- (1) The course is no longer adequately aligned with the state standards;
- (2) The course no longer provides a detailed and quality curriculum and accountability plan; or
- (3) The course fails to deliver outcomes as measured by course completion or other approved measures.

SECTION 9. The LEA may enter into a reciprocity agreement with other LEAs for the purpose of authorizing and approving high-quality providers and courses for the course access program.

SECTION 10.

(a) The department shall publish a link to the course access catalog in a prominent location on the department's web site that includes:

(1) A list of courses offered by authorized providers available through the course access program;

(2) A detailed description of the courses; and

(3) All available student completion and outcome data in a manner that protects student privacy in compliance with chapter 1, part 7 of this title and the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g).

(b) The department shall submit a report by March 1, 2019, and by March 1 annually thereafter, on the course access program and the participation of entities to the governor, the speaker of the senate, and the speaker of the house of representatives.

The report shall, at a minimum, include the following information:

(1) The number of students participating in the course access program and the total number of courses in which students are enrolled;

(2) The number of authorized course providers;

(3) The number of authorized courses and the number of students enrolled in each course;

(4) The number of courses available by subject and grade level;

(5) The number of students enrolled in courses by subject and grade level; and

(6) Student outcome data, including completion rates and other approved measures.

SECTION 11.

(a) An LEA shall:

(1) Provide written notice to students and parents on the availability of courses and the deadline or deadlines for students to enroll; and

(2) Publish information and eligibility guidelines on the LEA's web site.

(b) Each LEA shall establish policies and procedures to ensure that credits earned through the course provider shall appear on the eligible participating student's official transcript and shall count towards the requirements of any approval of a high school diploma awarded by an LEA.

(c) The state board shall adopt rules and regulations necessary to implement this chapter, including, but not limited to, the requirements for LEAs whose students enroll in courses offered by authorized course providers.

(d) Nothing in this chapter shall prevent an LEA from establishing its own online program or supplemental course offerings or require an LEA to revise an existing program.

SECTION 12.

(a)

(1) Tuition applicable to courses taken through an approved course provider shall be determined as follows:

(A) The course provider shall receive payment from the LEA approving the provider and course for each eligible funded student at a fair and reasonable rate to be negotiated by the LEA and the approved course provider. The payment shall include all required fees and course materials. The LEA and approved course provider may take into account prices for similar levels of service in surrounding jurisdictions. Course payments shall be made by the department on behalf of the LEA in which

the eligible funded student resides to the LEA offering the course through the approved course provider. The department shall deduct state basic education program (BEP) funds otherwise due to the LEA and send such funds to the LEA offering the course. LEAs may pay reasonable transportation costs for students enrolled in course access program courses;

(B) The course provider shall accept the amount specified in subdivision (a)(1)(A) as total tuition and fees for the eligible funded student; and

(C) The course provider may charge tuition to any eligible participating student, who is not an eligible funded student, up to an amount determined by the course provider and the department.

(2) The state board shall adopt rules relative to the payments required through the course access program. The state board may set a cap on the amount of funds that can be charged for a particular course.

(b) Payment to all approved course providers and their respective LEAs shall be based upon the student's successful completion of the course pursuant to rules and regulations adopted by the state board; however, in no event shall more than fifty percent (50%) of the payment amount be made prior to successful completion of the course and the earning of credit.

SECTION 13. The state board is authorized to promulgate rules to effectuate the purposes of this act. The rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 14. If any provision of this act or its application to any person or circumstance is held invalid, then such invalidity shall not affect other provisions or applications of the act that

can be given effect without the invalid provision or application, and to that end the provisions of this act shall be severable.

SECTION 15. This act shall take effect upon becoming a law, the public welfare requiring it.